

Cw

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2009 MAR -6 AM 10:07

UNITED STATES OF AMERICA,

Plaintiff,

V.

Julio ESPINOZA-De Los Monteros
AKA: ESPINOSA, Tulio Ivan

Defendant.

Magistrate Case No.

'08 MJ 07 02

COMPLAINANT FOR VIOLATION OF

Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **January 14, 2008**, within the Southern District of California, defendant, **Julio ESPINOZA-De Los Monteros** (AKA: ESPINOSA, Tulio Ivan) an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th** DAY OF **March** **2008**.



UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On January 14, 2008, the defendant identified as, **Julio ESPINOZA-De Los Monteros** (AKA: ESPINOSA, Tulio Ivan), appeared for a court hearing at 220 West Broadway, Room D-22, San Diego, California, and was taken into custody by San Diego Sheriff Office. The defendant was placed under arrest for Violation of Vehicle Codes VC14601(a) Driving with Suspended License/Reckless, VC22108 Driving/Fail Signal B-4, VC12500 (a) Driving without a License, VC23152 (a) DUI Alcohol-Drugs, VC23103 (a) Reckless Driving/Highway and Health Code HS11550(a) Under Influence of Cntl Sub, HSPos/Etc Hypo Needl/Syrng and booked into George Bailey Detention Facility, San Diego, California. Once in the custody of city jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

On March 5, 2008 the defendant was referred to the United States Immigration and Customs Enforcement Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant **Julio ESPINOZA-De Los Monteros** (AKA: ESPINOSA, Tulio Ivan) has been ordered removed from the United States by an Immigration Judge on or about August 18, 1992 and removed to Mexico, via Laredo, Texas, on August 18, 1992. Defendant's prior order of removal was last reinstated on December 24, 2006. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, **Julio ESPINOZA-De Los Monteros** (AKA: ESPINOSA, Tulio Ivan), a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.

The defendant was admonished as to his rights per MIRANDA in the English language at approximately 12:51 p.m. by a Deportation Officer and as witnessed by another Deportation Officer. The defendant acknowledged his rights per MIRANDA and elected to answer questions without counsel present.

The defendant stated that his true name is **ESPINOZA-De Los Monteros, Tulio**, a citizen of Mexico by virtue of birth in Tijuana, Baja California, Mexico, on January 26, 1955. Defendant acknowledge that he had been deported or removed from the United States on at least one occasion, and had not obtained a waiver in order to re-enter the United States. Defendant acknowledged that he has no documents to enter or reside in the United States and knew it to be against the law to re-enter after having been deported.